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PATENT  
ATTORNEY DOCKET: 46969-5128

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Takehiko SHIODA et al. ) Confirmation No.: 9634  
Application No.: 09/892,791 ) Group Art Unit: 2621  
Filed: June 28, 2001 ) Examiner: Helen Shibu  
For: STORAGE MEDIUM, APPARATUS )  
FOR CREATING RECORDATION )  
DATA THEREFOR AND )  
APPARATUS FOR RESTORING )  
RECORDED DATA )

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**RESPONSE TRANSMITTAL FORM**

1. Transmitted herewith is a Response to the Office Action dated November 28, 2007.
2. Additional papers enclosed:

- Drawings: \_\_\_\_\_ sheets with \_\_\_\_\_ figures  
 Information Disclosure Statement  
 Form PTO-1449  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$ 0

If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

- EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. § 1.16(c))	12	minus	40	0	x \$50 each =	+ \$0.00
Independent Claims (37 C.F.R. § 1.16 (b))	2	minus	8	0	x \$200 each =	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- No fee is to be paid at this time.
- Enclosed is a check in the amount of \$\_\_\_\_ for the two-month extension of time fee.
- The Commissioner is hereby authorized to charge \_\_\_\_ to Deposit Account No. 50-0573 for the \_\_\_\_\_ fee.
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

By:



Joseph J. Buczynski  
Registration No. 35,084

Dated: December 21, 2007

**Customer No. 055694**

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**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

In response to the Office Action dated November 28, 2007, please consider the following.

In the Office Action, the Examiner contends that the Response to the Election of Species Requirement filed on September 4, 2007 was nonresponsive, in that Applicants are required to elect a single Subspecies in addition to a Species.

In response, Applicants hereby elect Species 1 (Fig. 1) and Subspecies 1.1A (Fig. 6) for prosecution. Applicants further respectfully submit that at least claims 1-9, 11-20, 22-26 and 30 are readable on at least Fig. 1 (Species 1) and Fig. 6 (Subspecies 1.1A).